

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

## WIVES AND MOTHERS OF PRISONERS OF THE STATE,

Plaintiff,

V.

WALTER WEINBERG, *et al,*

## Defendants.

Case No. C05-5657RJB

## ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of a motion to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. Plaintiff is currently a Washington State non-profit corporation the director of which, Richard Roy Scott, is a resident of the state. Plaintiff is currently detained at the Department of Social and Health Services' ("DSHS") Special Commitment Center ("SCC") on McNeil Island. To file a complaint and initiate legal proceedings, plaintiff must pay a filing fee of \$250.00 or file a proper application to proceed *in forma pauperis*.

On October 3, 2005, the Clerk received plaintiff's complaint and motion to proceed *in forma pauperis*. (Dkt. #1). Plaintiff states it is a non-profit corporation with less than \$1,000.00 with which to operate in the future. Plaintiff, however, provides no documentation to show that it in fact is a non-profit

1 corporation incorporated in the State of Washington, or that it is authorized to do business as such in that  
2 state. In addition, plaintiff does not state what debts or financial obligations, if any, it has that prevents it  
3 from paying the court filing fee from the \$1,000.00 in assets it states it currently has. As such, the court is  
4 unable to fully evaluate plaintiff's *in forma pauperis* status.

5 In addition, Local Rule CR 3(b) provides in relevant part:

6 At the time application is made under 28 U.S.C. § 1915 or other applicable acts of  
7 Congress, for leave to commence any civil action or to file any petition or motion without  
8 being required to prepay fees and costs or give security for them, each petitioner, movant  
9 or plaintiff shall:

10 (1) Complete the in forma pauperis affidavit approved for use in this district; and  
11 (2) File a written consent that the recovery, if any, in the action, to such amount as  
12 the court may direct, shall be paid to the clerk who may pay therefrom all unpaid fees and  
13 costs taxed against the plaintiff, and to his attorney the amount which the court allows or  
14 approves as compensation for the attorney's services.

15 Plaintiff, however, has not submitted the written consent required by Local Rule CR 3(b)(2).

16 Accordingly, this Court orders the following:

17 (1) Plaintiff shall seek to cure these deficiencies by filing **no later than November 26, 2005**,  
18 (a) (i) documentation establishing that it is a Washington State non-profit corporation in  
19 current good standing or that it otherwise is currently authorized to do business as such in  
20 the state of Washington, and (ii) documentation showing its actual income and expenses for  
21 the past six months, and (b) the written consent required by Local Rule CR3(b)(2).

22 **Failure to cure these deficiencies by the above date shall be deemed a failure to  
23 properly prosecute this matter and the Court will recommend dismissal of this  
24 matter.**

25 (2) The Clerk is directed to send a copy of this Order to plaintiff along with a copy of the  
26 appropriate written consent form.

27 DATED this 26th day of October, 2005.

28 

Karen L. Strombom  
United States Magistrate Judge